



OFFICE OF THE TOWN CLERK

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## Town Council Agenda Report

**TO:** Mayor and Councilmembers

**FROM:** Russell C. Muniz, MBA, CMC,  
Acting Assistant Town Administrator

**SUBJECT:** Resolution

**AFFECTED DISTRICT:** Town-Wide

**TITLE OF AGENDA ITEM:** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AND EXECUTING THE 2006 AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE, PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY "ADDITIONAL" LOCAL OPTION GAS TAX ON MOTOR FUEL ORDINANCE, AND PROVIDING FOR AN EFFECTIVE DATE.

**REPORT IN BRIEF:** In 1993 Broward County adopted a supplemental "Additional" Local Option Gasoline Tax Ordinance that collects gasoline taxes and originally distributed funds between Broward County and eligible municipalities at a ratio of 62.5% County and 37.5% municipal. In 1997, the Board of County Commissioners approved a policy providing for increases in the Cities share of the "additional" local option gas taxes to take into account the population shift resulting from annexation. The 2006 amendment addresses the new distribution ratio of 49.51% to the County and 50.49% to the municipalities. In 2005, the distribution ratio had been 51.31% to the County and 48.69% to the municipalities. The funding distribution formula for municipalities reflects a population increase of 1881 for the Town of Davie and increased our distribution percentage from 2.375169 to 2.460579.

**PREVIOUS ACTIONS:** R-2004-098, and R-2005-146

**CONCURRENCES:** Requires execution by the County.

**FISCAL IMPACT:** Gas tax funds support roadway construction and maintenance operations within the Town.

**RECOMMENDATION(S):** Motion to approve the resolution.

**ATTACHMENT(S):** Resolution, 2006 Amendment to Interlocal Agreement

RESOLUTION \_\_\_\_\_

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AND EXECUTING THE 2006 AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE, PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY "ADDITIONAL" LOCAL OPTION GAS TAX ON MOTOR FUEL ORDINANCE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on September 1, 1993, the Board of County Commissioners Imposed an "additional" local option gas tax on motor fuel; and

WHEREAS, the distribution of these funds is adjusted annually to reflect population changes; and

WHEREAS, WHEREAS, it is necessary that the Town of Davie approve the execution of the attached Amended Interlocal Agreement to receive a distribution of these funds; and

WHEREAS, the Interlocal Agreement shall be effective September 1, 1993, through December 31, 2024.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

Section 1. The appropriate Town officials are hereby authorized to execute the Amendment to the Interlocal Agreement, attached hereto as Exhibit "A".

Section 2. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2006.

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

ATTEST:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2006.

2006 AMENDMENT  
to  
INTERLOCAL AGREEMENT  
between  
BROWARD COUNTY  
and  
TOWN OF DAVIE  
providing for

DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD  
COUNTY ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL  
ORDINANCE

This 2006 Amendment to Interlocal Agreement made and entered into by and between: BROWARD COUNTY, a political subdivision of the state of Florida, hereinafter referred to as "COUNTY,"

AND

TOWN OF DAVIE, a municipal corporation, existing under the laws of the state of Florida, hereinafter referred to as "MUNICIPALITY."

IN CONSIDERATION of the mutual terms, conditions, promises, covenants and payments hereinafter set forth and pursuant to the authorization of paragraph (1)(b)(2) of Section 336.025, Florida Statutes, the COUNTY and MUNICIPALITY agree as follows:

1. Paragraph 2 of the Interlocal Agreement, as previously amended, is hereby amended to read as follows:
2. Forty-nine and Fifty-one One-hundredths percent (49.51%) of the total proceeds from the Broward County Additional Local Option Gas Tax on Motor Fuel Ordinance shall be distributed to the COUNTY and the remaining Fifty and Forty-nine One-hundredths percent (50.49%) of the total proceeds shall be divided among and distributed to the eligible municipalities within the COUNTY as follows:

Population of Individual Municipality x 50.49% =  
Total Incorporated Area Population

<u>Recipient</u>	<u>FY 2007 Percent Share of Proceeds</u>
Coconut Creek	1.420638%
Cooper City	0.863110%
Coral Springs	3.768982%
Dania	0.841891%
Davie	2.460579%
Deerfield Beach	2.208837%
Fort Lauderdale	5.153150%
Hallandale	1.049638%
Hillsboro Beach	0.067652%
Hollywood	4.203285%
Lauderdale-by-the-Sea	0.184501%
Lauderdale Lakes	0.945309%
Lauderhill	1.895527%
Lazy Lake	0.000999%
Lighthouse Point	0.318365%
Margate	1.615837%
Miramar	3.185328%
North Lauderdale	1.202723%
Oakland Park	1.247482%
Parkland	0.589915%
Pembroke Park	0.169807%
Pembroke Pines	4.438981%
Plantation	2.502634%
Pompano Beach	2.989160%
Sea Ranch Lakes	0.021454%
Southwest Ranches	0.218856%
Sunrise	2.637203%
Tamarac	1.725426%
Weston	1.793931%
West Park	0.403239%
Wilton Manors	0.365563%
Total Incorporated	50.490000%

2. Paragraph 3 of the Interlocal Agreement, as previously amended, is hereby amended to read:

3. The population figures set out herein are based on the figures contained in the document referred to as the "Florida Estimates of Population," published on an annual basis by the Bureau of Economics and Business Research, Population Division, University of Florida. The population figures to be utilized in the formula described in Paragraph 2 of this Interlocal Agreement, for the division and distribution of the proceeds from the Broward County Additional Local Option Gas Tax on Motor Fuel Ordinance, shall be adjusted annually based on the current "Florida Estimates of Population."

For the purpose of this Agreement, the following population figures are hereby agreed upon:

<u>Recipient</u>	<u>FY 2007 Population</u>
Coconut Creek	48,340
Cooper City	29,369
Coral Springs	128,247
Dania	28,647
Davie	83,726
Deerfield Beach	75,160
Fort Lauderdale	175,346
Hallandale	35,716
Hillsboro Beach	2,302
Hollywood	143,025
Lauderdale-by-the-Sea	6,278
Lauderdale Lakes	32,166
Lauderhill	64,499
Lazy Lake	34
Lighthouse Point	10,833
Margate	54,982
Miramar	108,387
North Lauderdale	40,925
Oakland Park	42,448
Parkland	20,073
Pembroke Park	5,778
Pembroke Pines	151,045
Plantation	85,157

<u>Recipient</u>	<u>FY 2007 Population</u>
Pompano Beach	101,712
Sea Ranch Lakes	730
Southwest Ranches	7,447
Sunrise	89,736
Tamarac	58,711
Weston	61,042
West Park	13,721
Wilton Manors	12,439
Total Incorporated	1,718,021
Unincorporated Area	22,966
Total County	1,740,987

3. This 2006 Amendment to Interlocal Agreement shall become effective on the date last executed by the parties hereto provided that those eligible municipalities representing a majority of the incorporated area population and Broward County have executed this Interlocal Agreement prior to June 1, 2006.

4. In the event this 2006 Amendment to Interlocal Agreement or a portion of this 2006 Amendment to Interlocal Agreement is found by a court of competent jurisdiction to be invalid, the remaining provisions shall continue to be effective unless COUNTY or MUNICIPALITY elects to terminate this Agreement. The election to terminate this Agreement based upon this provision shall be made within seven (7) days after the finding by the court becomes final.

5. Except to the extent amended, the Agreement shall remain in full force and effect. In the event of any conflict between the terms of this 2006 Amendment and the Agreement and/or any prior Amendment to the Agreement, the parties hereby agree that this document shall control.

6. This 2006 Amendment to Interlocal Agreement may be executed in several counterparts, each of which so executed shall be deemed to be an original, and such counterparts together shall constitute one and the same instrument.

[INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties have made and executed this 2006 Amendment to the Interlocal Agreement on the respective dates under each signature: BROWARD COUNTY through its BOARD OF COUNTY COMMISSIONERS, signing by and through its Mayor or Vice Mayor, authorized to execute same by Board action, and MUNICIPALITY, signing by and through its Mayor-Commissioner, duly authorized to execute same.

**COUNTY**

ATTEST:

BROWARD COUNTY, through its  
BOARD OF COUNTY COMMISSIONERS

\_\_\_\_\_  
County Administrator and Ex-Officio  
Clerk of the Board of County  
Commissioners of Broward County,  
Florida

By \_\_\_\_\_  
Mayor  
\_\_\_\_ day of \_\_\_\_\_, 2006.

Approved as to form by  
Office of County Attorney  
Broward County, Florida  
Jeffrey J. Newton, County Attorney  
Governmental Center, Suite 423  
115 South Andrews Avenue  
Fort Lauderdale, Florida 33301  
Telephone: (954) 357-7600  
Telecopier: (954) 357-7641

By \_\_\_\_\_  
Maite Azcoitia  
Deputy County Attorney

2006 AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN BROWARD  
COUNTY AND TOWN OF DAVIE PROVIDING FOR DIVISION AND  
DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY  
ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL ORDINANCE

**MUNICIPALITY**

WITNESSES:

TOWN OF DAVIE

\_\_\_\_\_

By \_\_\_\_\_  
Mayor-Commissioner

\_\_\_\_\_

\_\_\_\_ day of \_\_\_\_\_, 2006.

ATTEST:

By \_\_\_\_\_  
Municipal Clerk

\_\_\_\_\_  
Municipal Manager

\_\_\_\_ day of \_\_\_\_\_, 2006.

(CORPORATE SEAL)

APPROVED AS TO FORM:

By \_\_\_\_\_  
Municipal Attorney